

The Special Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, July 23, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Pennington

Starr

Waller

Vleck

Littman

Wright

Chamberlain

Absent

Kramer

Storrs

Moved by Waller

Seconded by Littman

RESOLVED, that Mr. Kramer and Mr. Storrs be excused from attendance at this meeting.

Yeas

All Present (7)

Absent

Kramer

Storrs

MOTION CARRIED

Also Present:

Mark Miller, Planning Director

Susan Lancaster, Assistant City Attorney

Steve Vandette, City Engineer

Brent Savident, Principal Planner

Jordan Keoleian, Student Representative

SITE PLAN

2. **SITE PLAN REVIEW (SP-868)** – Proposed Section 1 Golf Course, South side of South Blvd. and East of John R, Section 1 – C-F

Mr. Miller summarized the Planning Department site plan report and provided the Planning Commission a Zoning Ordinance analysis of the proposed golf course. Additional documentation including the purchase agreement between the Troy School District and the City of Troy, a map of the two landfill areas and public input correspondence, was attached to the site plan review report for the Planning Commission's information. On Wednesday, July 17, 2002, City Management and the golf course development team met with residents regarding the subject property. City Management prepared a response based upon this resident meeting and the questions raised at the June 25, 2002 Planning Commission meeting and have provided them to you this evening.

Mr. Chamberlain stated that he did not get a chance to read City Management's responses from the resident meeting and asked the Board if there was anyone who was able to read them through in their entirety prior to this meeting.

Mr. Chamberlain further stated that two (2) Commissioners acknowledged they had read the responses prior to this evening's meeting and were quite satisfied with what was presented, which did address the concerns of the Planning Commission.

Mr. Chamberlain asked for Mr. Treadwell to come forward and sign in as the Commission had some questions to address to him.

Mr. Chamberlain stated what you're showing us is the latest plan that hopefully satisfies the neighbors. We will find that out later for the record. Is this the same plan that was presented last Wednesday night?

Mr. Treadwell replied, yes.

Mr. Waller asked Mr. Treadwell if he could tell the Commission some of the housekeeping things that you might have had your contractors do around the course, such as, silt fence or tree removal; anything that has happened in the last couple of days that would be of interest to those of us that have walked around the site.

Mr. Treadwell stated that probably one of the primary areas where we've done silt fencing is down around #2 green and also along the eastern property line. There was some silt fence, as some of you may know, there's a ditch or a little stream

there that drains off of the Beaumont Hospital property and also the parking lots, the baseball fields, and we cleared that portion of the property in order to put up the fencing. Part of the clearing process did not allow us to put silt fence up immediately. However, the silt fence has been put up in place, so depending on when you walked out there, there may not have been a silt fence completely surrounding that ditch. However, it is up now. Some of the trees that were cut in there, you'll notice that there's a fair amount of clearing that was done, there was a lot of scrub brush in there and a lot of dead elms and some cottonwoods. Most of those trees have been taken out just in order to help make the site look better when it's finished as a golf course. There will be some attention paid to that with landscaping as we go forward with the golf course to help clean that up further. Some other areas of interest, I guess is getting a little bit off housekeeping, but when you go down to the west section of the property line you'll notice the green line in my drawing, we talked about fencing on the property.

Mr. Chamberlain intervened and stated, what he's talking about for those of you in the back of the room is the southwest section line running north and south and a little bit to the east on the school property.

Mr. Treadwell continued stating the area outlined in blue is the chain link fence that is being put up now, which is a temporary construction fence. The areas that are outlined in blue, that temporary construction fence will become the permanent fence for the golf course. The area that's indicated in green, which is behind the homes along Troy Lake Estates, there will be a temporary construction fence approximately six (6) or seven (7) feet off of that property line. At our meeting last week, we talked about perhaps putting that on the east side of the ditch, and on further inspection, if we put it on the east side of the ditch, we'll have to cut down several trees which are acting as a buffer right now. In speaking with the residents, I believe that they would like us to not do that and to move that fence back to six (6) to seven (7) feet off the property line. A foot inside the property line we'll be putting up a split-rail fence as a permanent fence and we expect that split-rail fence to be up by the end of August. There will be placed at appropriate intervals the wild climbing roses as recommended by Dr. Freeman, I believe his name is, to act as a permanent barrier to keep people from both entering the golf course and leaving the golf course. And when those roses reach an impassable mass, then the temporary fence will be taken down and that may be sooner than the completion of construction. The area of the fence that's up near the pond, which is more towards the southeast corner of the property, there were some questions on some fir trees that are in the backyard of that house. The fence will come down the south property line, it will turn just pass the edge of the pavement and angle in to the west of the fir trees so that the fir trees will not need to be removed. There are some cottonwoods in there that will be removed. I also understand that there's a requirement that cottonwoods should be cut down, if possible, within the City boundaries anyway, so we didn't see that as a

major problem, but we will be able to preserve the fir trees in the backyard. The relocation of the holes are shown on the prints that you have. The black lines are the old holes, the green lines are the new holes. I won't go through it hole by hole unless you have some questions, but we have relocated them to take into consideration both the requests of some Commission members and also the residents. If you have any other questions, I'll be happy to try and answer them.

Mr. Starr asked if there are any other dimensions besides the length of the holes on here.

Mr. Treadwell stated the scale is one (1) inch to one hundred twenty (120) feet. So not really, no. The red circles around the greens are basically a one hundred twenty five (125) foot radius, which might give you a reference point, and the ones that are typically in the center of the fairways would be a one hundred fifty (150) foot radius. Number 17 tee is staked a little close to someone's property line currently and we believe that's an inadvertent staking and that will be moved to the east side of the ditch. It will not be on the west side of the ditch.

Mr. Littman stated, that there are two (2) cart paths. Where will the cart path be to get from the 3rd green to the 4th tee?

Mr. Treadwell stated, it will go around to the south and then to the west of the 17th tee.

Mr. Littman stated that it looks like that tee is pretty close to the property line already.

Mr. Treadwell stated, it will be moved a little bit to the east; so there will be plenty of room for that.

Mr. Littman asked, for the 17th tee?

Mr. Treadwell replied, yes.

Mr. Littman asked, how do you get from the 17th green to the 18th tee?

Mr. Treadwell stated, you would go to the south and the west of #4 tee. Some of those travel distances have been increased in order to make the moves that were deemed necessary to satisfy the residents. It's a cart-only course anyway, so it's not walkers. There are courses that have longer travel times between greens and tees, but that is something that we did look at as a concern.

Mr. Littman stated, you're going to be awfully close to two (2) fairways with those cart paths when playing on public courses, you sometimes feel like you're in a

shooting gallery. I guess where we're at right now there's not a lot of changes you can make on that. I also wouldn't be surprised if somebody tried cutting right across the 4th fairway to get to the 18th tee.

Mr. Treadwell stated that there's some contouring that you are unable to see on this map because it gets too confusing to look at and some of the contouring takes care of those concerns with both ravines that are cut in, mounds that are put up, so that it's not necessarily impassable, but it's certainly not the easy way across. Some things have been taken into consideration that really don't show on this layout.

Mr. Littman stated, back to the 17th tee, how far will that be from the property line?

Mr. Treadwell stated that one will end up being about fifty (50) feet to seventy (70) feet from the property line. There's the ditch and then there's a berm, there's trees in the berm and it'll be east of those trees.

Mr. Littman asked, so it's a lot further east than what appears on the drawing?

Mr. Treadwell replied, yes.

Mr. Shripka stated that at our last meeting this item was tabled so that we could get some information to you. Tonight you have a packet. The memo on top is to the Planning Commission, which answers a number of questions and gives you some information as to what direction we're going in as a result of the meeting with the homeowners last week. Also, as requested, the motion and the questions off the tape are included. As a result of those questions, City Administration set up a meeting with the residents. There are four (4) areas of concern that basically answers the questions addressed. That's attached. The next piece of information is actually what went on at that meeting. The questions that were asked. After the last Planning Commission meeting, you were sent a letter by Ms. Dawn Martin regarding the methane issue; that's attached to this packet also. The methane is addressed, both in the cover letter to the Planning Commission and then there's a four (4) page attachment from NTH who is in the process of doing our methane venting system. I think that you heard from Mr. Treadwell that the holes were relocated, primarily #14, #16, and #17 were the main issues. In order to do that, there were six (6) other holes that were relocated. The issue of barrier and fencing had been addressed at that meeting. Mr. Treadwell just explained that we will have a six (6) foot high chain link fence surround the majority of the property and then on those properties from Shore Line Drive, there will be a three (3) rung split-rail fence along with a natural barrier of wild roses. The hydrology issues that were raised continue to be looked at. As we've discussed, Carl Freeman was the primary source of that. He was at the meeting Wednesday night and, as we agreed prior to the meeting, we continue to monitor the wells out there. I think that answers all the questions that were raised both at the Planning Commission and at the meeting

Wednesday night. If there is anything further, I'd be happy to answer any questions that you may have.

Mr. Keoleian stated, that earlier, there were a few discrepancies dealing with where the temporary construction fence was and how it was over some people's property lines. Has that all been resolved?

Mr. Shripka stated the temporary construction fence issue has been resolved. Mr. Waller commented that I'm pleased with the progress that has been made on this whole subject, the Audubon announcement and what is a fresh chapter in neighborhood and residential City cooperation. I think we should go forward from there.

Mr. Starr asked, will the Building Department be following up as a typical site plan, or a typical subdivision, or a typical building is being put up? Will the Building Department issue permits and so forth?

Mr. Shripka replied, absolutely. There will be a number of departments involved. We will continue to have our Engineering department work with the golf course itself. The contractor has submitted applications for building permits to do the clubhouse and the site work and once we get approval, the Building Department can start looking at those. For your information, one thing that we have discussed is that we are now in the process of making the Planning Department responsible for approval of final site plan work. So, the issue over the years of who has actually been checking site plans, hopefully, we will be able to address that. We're in the process of working that now.

Mr. Vleck stated that he was very pleased with the progress that has been made. The one question I do have is on the split-rail fence. What is the height of that thing?

Mr. Shripka stated, it would be three (3) rungs, which is usually about forty-eight (48) inches to the top of the post.

Ms. Pennington stated that she did read the responses from City Management and that she is very comfortable with it and is hoping that the citizens around here are very content with this, they should be.

Mr. Littman asked, the fence that allows the deer to move between property, it says it will be placed above the ground. How far above the ground will it be?

Mr. Shripka stated that the above-the-ground fence is not to take care of the deer. They'll make it over the six (6) foot fence. The above-the-ground fence is for walking critters. The concern was that there are animals on both sites. The contour

of the ground is not flat and we did not want to say that the fence would be located one (1) foot above the ground in case parts where the ditches go through would be one (1) foot eight (8) inches or something like that. It will be above-the-ground. Smaller animals, where the concern seems to be, will be able to get under the fence and also go to the lower ends of the fence.

Mr. Littman asked, and the deer will jump it?

Mr. Shripka replied, yes.

Mr. Littman stated that one of the main things he wanted to ask about was tree removal, non-tree removal based on MDEQ recommendations. I assume that's still an open issue?

Mr. Shripka replied, yes it is.

Mr. Littman asked, any idea when that will be received?

Mr. Shripka replied, he believed they started this week doing some more extensive testing. They should be able to complete that within the next week or two and we can then get some analysis of what's there.

Mr. Littman asked, so on the east side, there won't be any tree removal, other than some cottonwoods maybe, until you hear from the MDEQ?

Mr. Shripka asked, on the east side?

Mr. Littman replied, yes, is that where you're referring to?

Mr. Shripka stated he was talking about the southwest.

Mr. Littman stated he meant the west side.

Mr. Shripka replied, right.

Mr. Littman stated, so there will be no tree removal, other than scrub, until you hear from the MDEQ?

Mr. Shripka replied, until the City verification what the MDEQ requires.

Mr. Treadwell stated, in order to clarify that, at the southwest section that is true within fifty (50) to seventy-five (75) feet of the property line. The northern portion of the Fons landfill, we will start clearing immediately because we have been told we have to do that. There's no question about the north side, the northwest corner.

Mr. Littman asked, as required by the MDEQ?

Mr. Treadwell replied, correct.

Mr. Chamberlain stated because you have to cap the landfill.

Mr. Shripka stated, in order to clarify that, the MDEQ does not have to tell us that right now. The City agreed in order to complete this landfill closure, that there would be a cap on the site. Our contractor's doing the clay cap as clay is available now. The City's contractor will start compacting clay in the north area.

Mr. Littman stated, thank you to the City. Assuming MDEQ permits, what wetlands will be filled?

Mr. Shripka stated, there's about 7,000 square feet of non-regulated wetlands that is in the wooded area east of the Lake.

Mr. Treadwell stated, that the total impacted wetlands appears to be approximately 7,000 square feet. In the course of the project, we will create a seasonal wetlands. As it rains, it fills up and will slowly drain out. We're talking about creating wetlands to the extent that's possible. We're also maintaining the wetlands. A pond will also be constructed. At least 100,000 square feet of wetlands will be created and 7,000 square feet will be filled. So it's a pretty significant creation of wetlands.

Mr. Chamberlain stated, well done by the City. We got a painful start on this drill. He thought that this town hall meeting was a very good idea and it worked out to everybody's advantage. So again, well done to the City Staff for what they did.

Mr. Chamberlain stated, this is not a public hearing, but because we do have a lot of interest from the public, he asked if anybody would like to address this Board on the issue of the golf course.

Connie Panzica, 6562 Shoreline, stated she thinks these solutions were very constructive and it's a really good plan. She is concerned about the lights for the driving range. She just wants to make sure that it's on record to ask that it should be a consideration to minimize light spillage there. We already have the ball diamond lights, which are, admittedly, older lights that have a lot of spillage. But we're adding more lights out there and we just want to make sure that its a consideration. Everything else though looks really good. She thought that they're leaving the berm along Shoreline.

Mary Bogush, 5916 Patterson, handed out numerous pieces of correspondence. Her area of concern was primarily the southeast area of the property. She wanted

the course to be an Audubon International Signature Program although she agreed she was happy with the Audubon Certification. She presented a lengthy discussion on environmental concerns.

Mr. Chamberlain stated there are two (2) questions from the first speaker. First one is regarding the berm near Shoreline Drive.

Mr. Treadwell stated that their intent is to leave it as is. It will probably be reshaped some.

Mr. Chamberlain stated the second question is lighting concerns on the driving range. In the past, the Commission has put some restrictions on the lighting. Is the City going to adhere to those rules?

Mr. Treadwell stated that they have been considered. They have not chosen specific lights yet, but they will be taken into consideration on the tees themselves. There will be mounting of lights facing upwards to see the balls and the driving platforms will have lights.

Mr. Chamberlain asked how tall, twenty (20) feet?

Mr. Treadwell stated, they would be twelve (12) to fourteen (14) feet high.

Mr. Chamberlain asked, for the general public, could you give us a discussion of what happened from the time the negotiations started in 1997 until today regarding Audubon.

Mr. Shripka stated that he was not involved until 2000. The previous City Manager, Jim Bacon, had some preliminary discussions and there was talk at that time about purchasing the entire school site. Mr. Bacon was involved in discussions of developing the whole school district property and developing it as a golf course and residential project and turning it over to the City. However, that did not occur. It was early 2000 that the City started looking at RFPs for a golf course being operated by the City. Discussions in 2000 actually started the current design of the course. Chuck Barnes, the City Naturalist, will continue documentation and preservation of important natural features.

Mr. Chamberlain asked Mr. Shripka if he saw the pictures of the Prairie Rose that Ms. Bogush handed out.

Mr. Shripka replied, yes. Chuck Barnes will save important plant species to be planted on the developed sites.

Mr. Littman asked, that in order to move the plants will the staff have to inventory them and determine if any of them are an endangered or threatened species?

Ms. Anderson stated there are some. The southeast area is a high floristic quality site. At this time, a nature group of volunteers along with the Nature Center staff, will move and relocate some of those plants. On a weekly basis, Chuck Barnes will be doing weekly inspections.

Mr. Starr asked if the golf course was going to be self-sustaining?

Mr. Shripka replied, yes.

Mr. Starr stated that Sylvan Glen is good and asked if future administrators will maintain the high quality site?

Mr. Shripka stated that we prepare pro formas and revenues will sustain the course. They have competitive fees which will be set at approximately \$45.00 and we have an obligation to pay the bond off that was issued. They made a commitment to City Council regarding City maintenance.

Mr. Chamberlain stated that Mr. Shripka failed to state that the City is responsible to maintain the landfill for fifty (50) years, whether or not its a golf course.

Mr. Chamberlain asked Ms. Bogush to come forward.

Mr. Littman asked, have you inventoried any endangered flora on this location?

Ms. Bogush replied, the Rose Swampmallow, it is a special concern plant species. She did not identify any threatened species.

Mr. Waller asked Mr. Treadwell if he would comment on the effect of direct venting of methane on landscaped materials.

Mr. Treadwell stated, that if methane gas were to continue to blow on the trees or plant life, it would eventually kill them. That is the purpose of the pipes.

Proposed Resolution

Moved by Waller

Seconded by Littman

RESOLVED, that Preliminary Site Plan Approval, pursuant to Section 18.80.00 (B), as requested by the City of Troy, for the Section 1 Golf Course, located on

the south side of South Boulevard and east of John R Road within section 1, being 202.6 acres in size, within the C-F Community Facilities zoning district, is hereby recommended for approval to City Council, subject to the following conditions:

After considerable review of the multitude of items involved with consideration of the City of Troy's Golf Course #2, the following motion items reflect the responsibility by the Planning Commission for the health, safety and welfare of the citizens of the City of Troy. Further, these motion items take into consideration the stewardship of the land that is the responsibility of everyone involved, including Troy's citizens, the employees and management of the City of Troy, the golf course developer and other interested parties.

Accordingly, the following is entered as terms and conditions in support of this motion:

1. At the southwest corner of the course, for every house on Shoreline that is adjacent to the course, which includes from 6418 to 6598 Shoreline, a chain link construction fence will be erected that will be temporary, to be removed when the course is opened if not before. This fence will be built east of the property line in a responsible manner to save as many trees as possible, with the portion of the fence adjacent to the ditch to be built west of the ditch.
2. A permanent 3-rail wooden split-rail fence will be erected by the City of Troy, at its expense, for every house on Shoreline that abuts the course, which includes from 6418 to 6598 Shoreline. This fence will be constructed on the property line or east of the property line within one or two feet, to permit lawn sprinkler heads, etc. to be missed. Adjacent property owners will be notified accordingly. The fence will continue east along the southern property line for a short distance, to be decided between the adjacent property owners, the City of Troy and the golf course developer.
3. Wild rose bushes will be planted by the City of Troy, at its expense, along the entire length of the permanent split-rail fence. These will be planted on the side of the fence deemed best by the adjacent property owners, the City of Troy and the golf course developer. The bushes will be maintained by the adjacent property owners, which will include watering, insect care, trimming and replacement as necessary.
4. The ditch behind the residences on Shoreline which is located east of the property line of the golf course shall remain as it exists today. The ditch shall not be altered, moved, or filled in any manner. All golf course construction activity shall be east of the ditch.

5. On the southern property line, to permit animals to travel between golf course property and School District property, the bottom of the chain link construction fence to be erected shall be at least twelve (12) inches off the ground and be six (6) feet in total height, from the southeast end of the fence at the pond west to the beginning of the split-rail fence.
6. The southeast end of the chain link construction fence, at the corner near the pond, will veer away from the property line in a northeast direction to the edge of the pond. This is adjacent to the end of Evanswood Street. This will allow the berm and evergreen type trees planted on it located behind 2637 Robart, known as Mrs. Dombrowski's house, to be preserved. The berm and trees will be south of the fence. Several significant old growth trees will also be south of the fence.
7. The City of Troy requires any developer of property in the City to produce a "Tree Preservation Plan" for any project. This plan includes the logging of every tree by size, type and location. Responsibility for the administration of the Tree Preservation Plan is the Troy Park and Recreation Department. For the project known as Troy Golf Course #2, this requirement was waived by the Troy Park and Recreation Department. Due to the mature size and expanse of trees at the east end of the property purchased from the Troy School District, adjacent to the pond and the northern end of Evanswood Street, in addition to many additional trees located throughout the course, the requirement for a Tree Preservation Plan is hereby reinstated, to be accomplished before any trees are removed from the area generally referred to as the southeast corner of the golf course property. In addition, a GPS (Global Positioning System) plotted drawing will be required, showing the location of every tree. If the City of Troy does not have equipment or personnel to accomplish the GPS logging, an outside vendor such as Davey Golf should be contracted with to provide this information. In addition, every tree that must be removed for the construction of the course should be reviewed and agreed upon by the mutual consent of concerned parties, including both City employees and citizens, prior to the removal. The Tree Preservation Plan, GPS logging and tree removal review should be completed as soon as possible. Tree removal at the northern end of the Fons landfill will be allowed to begin immediately. In addition, other trees on any portion of the landfill that must be removed can be removed based on the requirements of the Michigan Department of Environmental Quality (MDEQ) or the Michigan Department of Natural Resources (MDNR).
8. At the east end of the property purchased from the Troy School District, adjacent to the pond and the northern end of Evanswood Street, there exists considerable old growth forest, or trees. Types of trees include beech,

9. cherry, oak, tulip and hickory. Dr. Carl Freeman estimates some of these trees are over eighty (80) years old. Every attempt must be made to preserve every possible tree in the construction of the golf course. Additionally, trees throughout the course should be saved whenever possible, taking into consideration the requirements of the Michigan Department of Environmental Quality (MDEQ) and the Michigan Department of Natural Resources (MDNR), as applicable.
9. For Golf Course #2 the design, construction, maintenance and course management shall be to the standards of both Michigan Turfgrass Environmental Stewardship Program and the Audubon International Cooperative Sanctuary Program. All activities and decisions relating to the management of the course will be designed so the course, at some time in the future, can apply for and receive the "Certified" designation awarded by the Audubon International Cooperative Sanctuary Program. Further, the City of Troy shall pledge its activities to be similar to both the Natural Resources Management Plan and stewardship concepts as described by Audubon International.
10. To shield the residential property immediately west of the maintenance shed and clubhouse area, the City shall apply for a variance from the Board of Zoning Appeals for the construction of a landscaped berm instead of a wall. This berm shall be planted with evergreen type trees to shield noise and light.
11. An inventory of significant natural features of the golf course site will be conducted, including plants and animals. This inventory will be conducted throughout a full growing season. City personnel qualified to conduct this inventory shall seek the participation and assistance of qualified and/or interested citizens. The results of the inventory shall be announced and published electronically and through the newspaper media.
12. In the future, consideration shall be made to incorporate Golf Course #2 in a walking path plan for the City of Troy. Potential for this path to be along the east side of the pond should be considered.
13. And finally, please build a golf course with habitat and natural features that all the citizens of Troy will be very, very, very proud of, and that golfers will love for its skill requirements and overall challenge.

AMENDMENTS TO THE MOTION and CONDITIONS

Mr. Littman added:

- a. The golf course shall be built in a manner as presented tonight.
- b. The tee location for hole #17 to be at least fifty (50) feet from the property line to its west.
- c. Any ten (10) foot variation on any tee or green location will require Planning Commission approval

Mr. Vleck added:

- a. It will not be necessary to inventory and record tree locations anywhere on the landfill cap

Mr. Waller accepted the Amendments to the Motion.

Mr. Littman seconded them.

Yeas:

All in favor (7)

Abstain:Absent:

Kramer
Storrs

MOTION CARRIED

Recessed at 9:55 p.m.

Resumed at 10:10 p.m.

3. MINUTES – June 25, 2002

RESOLUTION

Moved by Pennington

Seconded by Littman

RESOLVED to approve the June 25, 2002 Planning Commission Special/Study Meeting Minutes as written.

Yeas

Vleck

Waller

Littman

Pennington

Chamberlain

Starr

Absent

Kramer

Storrs

Abstain

Wright

MOTION CARRIED

STUDY ITEMS4. **BOARD OF ZONING APPEALS REPORT**

Mr. Waller stated there were two (2) things that went to a 3-3 vote on denial and the Chair solicited tabling motions on everything, so they'll be back. The second one was regarding east of Maple where Combermere comes in, they redid the building next to Thunderbird. The setback is off of Combermere, not off Maple. Their driveway was too close to Maple. That was never resolved.

5. **DOWNTOWN DEVELOPMENT AUTHORITY REPORT**

Mr. Miller stated that at the last meeting the DDA authorized the sale of bonds to pay for the Phase II Community Center. At the next meeting in August, the chairman and the committee that was created, will be preparing a recommendation on definition of the economical feasibility model. They will be determining whether to go forward on the conference center or not.

Mr. Starr asked, do you know who was chairing the subcommittee?

Mr. Miller stated it was the Chairman of Economic Feasibility.

6. **CURRENT DEVELOPMENT REPORT**

Mr. Miller stated that there were a couple of things that had come to the Management's attention, something of which a believer in, and that is site compliance inspections by the Planning Commission. It's never been done before and it's not going to be implemented immediately; but we have a task

within a month to develop a process to do that as part of the compliance inspection.

Mr. Miller further stated that one of the things about dumpsters is that we have to be careful. Prior to 1991 dumpsters were not required to be screened in on all three (3) sides. So if there's problems, there's some research that has to go with it. Also, the industrial sites were not required to have site plan approval until some time in the 1980s.

Mr. Miller further stated that the Biltmore rezoning request for Long Lake and Rochester was approved last night by City Council. On the other one, Rochester just north of Lamb, City Council remanded it back to a public hearing and the Planning Commission and also wants some consideration in having some sort of detached condominiums on the east side of the property. I would like to see that brought back to a study meeting with the developer. I don't think they can put a platted subdivision there, but they could put detached condominiums, which are part of the condominium complex. This is a savvy developer. They're going to know the concept of what they want. What they will do is reduce the depth of the rezoning request. That way their property will then have two (2) zoning districts. This came up at the meeting; however, they don't really know what it is they want to do at this time.

Mr. Miller concluded stating that Ms. Lancaster and himself have been working diligently on the PUD to insure that the package is comprehensive, logical, legal, etc. There are some minor details to be addressed; however, it's looking good.

7. ORDINANCE REVISION DISCUSSION – WALLS - ARTICLE XXXIX
ENVIRONMENTAL PROVISIONS

Mr. Chamberlain stated that the Commission needs to make a decision tonight that this is the appropriate wording we want. In order to make our regular meeting in August, public hearing notices have to be sent out by tomorrow. It was before us once before and the only reason we did not approve it at that time was because it did not cover any of the residential. The RC is now in it.

Mr. Waller stated that one of the things we are trying to accomplish as we go through this, is really what's best for the community.

Mr. Waller continued, stating to Mr. Vandette, that he does not know whether or not he is involved with this item but that he wanted him to be aware of what's going on with it.

Mr. Waller cited 39.10.03 and stated the way it is worded it provides the opportunity for someone other than the Planning Commission to have the final say when it comes to approval regarding openings in walls and screening.

Mr. Chamberlain stated the problem I have with the City Engineer and the Chief Building Inspector, is that we sit here and have public hearings and public input, make our decisions on that input and then somebody who wasn't here, comes along, thinks "I don't care, it sounds good to me", and overrules our decisions. What we are trying to do is guarantee that whatever our decision is, it does not get overturned.

Mr. Chamberlain stated that in 39.10.03, the sentence reading "and except such openings as may be approved by the Chief Building Inspector or the City Engineer" will be deleted.

Mr. Waller stated that in 39.10.03, the last page, after the last sentence, he would like to add "or cause damage to existing trees or the root structure of the existing trees".

Mr. Chamberlain asked if everyone agrees.

Everyone agreed and Mr. Chamberlain requested that Mr. Miller make the revisions and send it up tomorrow.

8. DRAFT DESIGN STANDARDS FOR DETENTION BASINS – STEVE VANDETTE, CITY ENGINEER

Mr. Vandette presented a history of Stormwater/Detention Basins and Draft #3 of the proposed standards.

Mr. Chamberlain stated that the handout we received in this package is different than ones we have received in previous packages. The difference I think is the fencing on ponds and residential.

Mr. Vandette stated that what he was passing out was a cover letter that he had on the proposed detention standards that went to City Council in April. The letter explains the reason for the change in the standards, why we're doing it and those changes are highlighted.

Mr. Chamberlain stated his biggest problem with detention basins is the chain link fences, wherever they may be at. Chain link fencing is ugly. Chain link, after X number of years, turns to crap. Can we get rid of all fencing? Can the existing basins be improved to eliminate first flush?

Mr. Vandette stated we are not looking at the existing conditions, but we will retrofit all City detention basins.

Mr. Chamberlain asked if we can consolidate public and private detention basins. My concern is fencing in condominiums. We do not want a chain link fence. We'd like to see them all go away.

Mr. Starr asked, that in reviewing the standards, the wording throughout the document stating "may do this" be changed to "shall do this".

Mr. Vandette stated that he would do a word search throughout the document.

Ms. Lancaster stated that it was good to hear that Mr. Vandette is open to the Planning Commission's ideas on the detention standards and that Engineering and Planning could work on this together. However, the ultimate call is the Engineer's.

Mr. Chamberlain stated that he would like to see some way for the Commission to address and make sure that the condos that are coming in front of us do not have the chain link fences. The whole issue in front of this board as far as detention ponds are concerned have been that issue of the slope and the fencing and that's it. We're not worried about the rest of it as long as we take care of the water. We're not going to let it go away until we see something happen on that. Issues on the slope and fencing are going to keep coming back up.

9. UNIFIED SITE DEVELOPMENT OVERLAY DISTRICT - Corrected
OPEN SPACE PRESERVATION

Mr. Chamberlain stated that what we got in this package is wrong. We've got to get in front of City Council, the Cluster, and hopefully Mark's got something for us to see and hear other than what was handed to us. This thing is called Chapter 37.10.00. of the Zoning Ordinance, Article XXXVII.

Mr. Miller stated, that previously, we handed out to you the amendments to the City and Village Zoning Act, which created the open space preservation provisions, which basically state that the R-1A and R-1B zoning districts, by right of ownership, if 20% is preserved in a natural state, you would be able, by right, to do a cluster development. And in effect, this has to be adopted by us to comply with the State Act provisions by December 15, 2002.

Mr. Chamberlain asked, so the issue then of what Council did a meeting or so ago wanting something from us by September, we're not addressing that?

Mr. Miller stated that is exactly what we're addressing. So from a strategic standpoint, what I would like to propose is to revise the whole cluster ordinance. However, I'm not sure if that's a wise route, because we have to address the State Act separately. There are two different issues. This is a first shot at this,

and it only addresses compliance with the State Act. It is not addressing a complete rewrite of cluster provisions.

Mr. Chamberlain stated, then this takes care of their Finch Road spot, right?

Ms. Lancaster asked if Finch Road was R-1A or R-1E.

Mr. Miller stated it was R-1B. One thing noted is that they would comply within this framework if they elected to take this route. But, the way this is written with the parallel plan, the density will not exceed a subdivision development. When you lay out a subdivision, you almost never can maximize density, because it would have to be perfect dimensions to put a street in, including lot depth and width. So you never max out the density. But when you cluster, you can maximize the density. Also, there is a little bonus in our current ordinance. So what we did in this ordinance is that you have to prepare a parallel plan as part of the submittal. A subdivision layout with at least the minimum requirements for R-1A or R-1B, and you have to lay out a road 60 foot wide, and put in the lots and if you have regulated wetlands you can't build on those wetlands. That's the problem with the way our current cluster ordinance is written. You take a wetland area, and look at the poster child, Rochester Villa, you can take all that potential density, and you shift it and cram it into one area. So actually you're overbuilding beyond what you could have because it was unbuildable to begin with. So you submit a parallel plan, we make sure it complies with the current requirements in that it can be built as a traditional development. That gives you your density. It's an actual density so you're not overbuilding the site. That's the premise with this proposal. If you disagree with that, we need to know, because that's the basic premise of this ordinance in front of you.

Mr. Chamberlain asked the Board if they understood what Mr. Miller just presented.

Mr. Kramer replied, yes, but that could be less than our ordinance allows, right?

Mr. Miller said it will be because our ordinance has ultimate density, for instance, 3.8 units an acre. But whenever you divide subdivisions, you never get that density.

Mr. Kramer asked, so your parallel preparation would indicate that maybe your max density would be 2.5 per acre, and that's all they could build under this.

Mr. Miller stated the reasoning for that is, in effect, with clustering, you're overbuilding beyond when compared to traditional lots in subdivisions. Why should you overbuild?

Mr. Chamberlain stated, and maybe at the same time really putting a strain on the infrastructure.

Mr. Miller replied, right. And that's the premise in doing the parallel plan.

Ms. Lancaster stated the mandatory things in here from the State Act are set out in the shell provision which is eligibility criteria, see on page 2. Those are the things that are mandated by the state, so when you read through there, that's coming right out of the open space preservation option. Those are the things we are required to do and also F, which is the twenty (20) percent.

Mr. Savidant stated that the State Act says a minimum of twenty (20) percent open space. So that's what's in there now, twenty (20) percent. Do you want to go thirty (30) percent, do you want to go fifty (50) percent? Twenty (20) percent is a minimum.

Mr. Chamberlain stated there would be a task force comprised of a couple of the Commissioners, Mr. Savidant out of the Planning Department and Ms. Lancaster out of the Legal Department to work on this throughout the next couple of weeks and bring it to fruition and bring it back into the Board in late August or early September so that we can meet the City Council's deadline.

Mr. Savidant stated he was passing out copies of CR-1 for comparison so that it kind of gives you some insight as to where we are going with this thing. One think that Mr. Miller and I talked about was requiring if there was an adjacent trailway or planned trailway, to provide a connection through the area of open space so you can expand and improve the system of non-motorized trails. So there are some things like that. We can add in there, taking yourself a little bit further away from the bare bones of the state requirements, but it makes the text a little more appropriate for the City of Troy, but I don't want to say too much because you haven't had a chance to read this yet. I think next meeting there's going to be some good conversation.

Mr. Miller stated that this just gives the developer the option to be able to cluster if they so desire. They don't have to use this. Personally, I think clustering is a great thing, however, I do not like our current cluster ordinance because it does two things. One, if you have a natural feature, you get to calculate your density from there, even if it's a preserved area, and in effect you're jacking up the density. Second, goes back to why we want a parallel plan, the current CR-1 increases density.

Ms. Lancaster asked, the density isn't really getting jacked up because of the state law, but the reason it's getting jacked up is because they now can change their spacing to get more houses where they wouldn't get in a traditional development.

Mr. Miller stated that's one way. Another way is our current ordinance allows you to use your calculation on unbuildable areas, and I'm trying to prevent that. You should not allow unbuildable areas to be used in your density calculation.

10. PUBLIC COMMENT

Public comments opened.

Mr. Schultz made some comments on the cross-access that was required for Harrington Park and Charleston Club. First of all what I think is going on there is that Charleston Club is currently occupied and Harrington Park is nothing more than a construction zone at this point. So I really don't understand why there would be a requirement for a pedestrian cross-access easement between an occupied residential development and a construction zone. I can see the City demanding it be opened once a certificate of occupancy has been granted for Harrington Park, but not before.

Mr. Miller stated that the problem with that was the wall was put up by Charleston Club, not by Harrington Park, so they get the final C Of 01 from Charleston Club, the stake should be there. I talked with Mr. Maniaci and he had no problem, but he didn't build the wall. The other developer built it.

Mr. Schultz stated that I can assure you that the developer of the Charleston Club does not intend to open that opening unless the City twists his arm.

Public comments closed.

ADJOURN

The Special Study Meeting of the Planning Commission was adjourned at 10:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director